

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Mahender Singh and the management of Administrator, Municipal Committee (Improvement Trust branch) Bhiwani, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 14224—29, dated 5th April, 1984 :—

Whether the termination of services of Shri Mahender Singh is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The case of the petitioner is that he was appointed as Works Munshi with the respondent on 5th November, 1979 and that the presence of the petitioner was struck off from the record from 1st June, 1983 to 28th June, 1983 and as such, he was not paid wages for the month of June, 1983 and that his services were orally terminated on 29th June, 1983 though the petitioner continued to perform his duties and that on 8th July, 1983 he moved an application before the Administrator of the Improvement Trust, Bhiwani that his presence is not being marked but no action was taken and therefore, after he raised the demand notice with the Labour Department. On these grounds he had prayed for reinstatement with continuity of services and full back wages.

3. In the reply filed by the respondent, preliminary objections taken are that the respondent is not an "industry" as defined in section 2(j) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). Another objection taken is that prior to the demand notice raised by him, the petitioner filed a Civil Suit at Bhiwani, which was dismissed as withdrawn. So, now the petitioner having availed of a remedy under the common law cannot come to the Labour Court. It is also alleged that services of the petitioner were terminated as per stipulation in the letter of appointment, because no work was left with the respondent, which could keep the petitioner busy after 31st May, 1983, on which date, his services were dispensed with.

4. On the pleadings of the parties, the following issues were settled for decision on 22nd January, 1985 :—

1. Whether the reference to the Labour Court is not competent after decision by the Civil Court ? OPR.
2. Whether the respondent is not an "industry" ? OPR.
3. Whether the termination of services of Shri Mahender Singh is justified and in order ? If not, to what relief is he entitled ?

5. The petitioner himself appeared as WW-1 and the respondent examined Shri Shiv Shanker Parokar as MW-1.

6. Heard.

Issue No. 1 :

7. Undisputedly the petitioner filed a civil suit titled Moninder Singh *versus* State of Haryana in the Court of learned Senior Sub-Judge, Bhiwani. The said suit was for permanent injunction restraining the respondent from removing the plaintiff from service. The said suit was dismissed as withdrawn by the Court,—*vide* its order, dated 29th July, 1983. The learned counsel for the respondent Shri Gupta on the strength of law laid down in 1982 (15) Lab. I.C. 1282 between Sukhi Ram *versus* State of Haryana Contended that since the petitioner has elected to exercise his remedy under the civil law, he was barred from raising an industrial dispute under section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). In the authority under reference a suit was moved by a dismissed Conductor of the Haryana Roadways seeking a declaratory decree to the effect that the order of dismissal was illegal and ultravires of the Constitution opposed to the principles of natural justice and he sought the relief of declaration that he should be deemed to have continued in the service of the Haryana Roadways as a Bus Conductor. The said suit was dismissed by the lower Court and the first appeal with the learned Additional District & Sessions Judge also failed. He moved in the second appeal. The Hon'ble High Court referred the matter to a larger Bench in view of the important question of the law involved. Their Lordships held that a Civil Court has jurisdiction to entertain a suit by a workman in connection with an industrial dispute arising out of the right or liability under the general common law (and not under the Act), if no steps have been taken by him to resort to the remedy under the Industrial Disputes Act, 1947. Now, the question would be as to whether the suit for permanent injunction filed by the petitioner would amount to his electing a remedy under the common law, because at the time when the suit was filed by him, his services had not been dispensed with or terminated by the respondent. After termination of his services, the petitioner did not file any Civil Suit in the Civil Court and straight away raised the demand notice with the Labour Department which ended in failure of conciliation proceedings and thereafter the matter was referred to the Labour Court by the appropriate Government for adjudication. Under these circumstances, the suit for permanent injunction filed by the petitioner before the Civil Court will not debar him from raising the present dispute under section 10 of the said Act, 1947. So, this issue is answered against the respondent.

Issue No. 2 :—

8. In view of the settled legal position that the Municipal Committees in the State of Haryana fall within the ambit of term "industry" as defined in section 2(j) of the said Act, this issue was not rightly pressed on behalf of the respondent.

Issue No. 3 :—

9. Certain facts are undisputed. The petitioner was employed with the respondent on 6th November, 1979 as a Work Munshi on purely temporary basis. His services were dispensed with as per the respondent's allegations on 31st May, 1983, though the petitioner alleged that he continued in service with the respondent till the middle of July, 1983. It is immaterial for the decision of the case as to whether the petitioner continued in employment upto the month of May, 1983, because in both these circumstances, the petitioner had admittedly put in more than 240 days of actual work with the respondent on the date his services were terminated during the last 12 calender months. The clear case of the respondent is that since the petitioner's employment was on *ad hoc* basis, so, the respondent could terminate the services of the petitioner without complying with the mandatory provisions of section 25F of the said Act, because termination of services of the petitioner will squarely fall within the ambit of term "retrenchment" as defined in section 2(oo) of the said Act. Admittedly no prior notice or retrenchment compensation was paid to the petitioner at the time his services were dispensed with by the respondent. So, the order of termination was patently illegal and unlawful and as such, unsustainable. So, the same is set aside. Since the demand notice was raised by the petitioner within three months of this termination, he cannot be denied the benefits of back wages. So, the petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

Dated the 14th March, 1986

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh,

Endst No. 53-84/534, dated 4th April, 1986

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

The 12th May, 1986

No. 9/9/86-6Lab./3563.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of Xer. Civil No. 5, Panipat Thermal Power Project, HSEB, Assan.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 644 of 1983

between

SHRI RAM SINGH, WORKMAN AND THE MANAGEMENT OF XEN CIVIL NO. 5,
PANIPAT THERMAL POWER PROJECT, H.S.E.B, ASSAN

Present :—

Shri V.K. Modi, for the workman.
None, for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ram Singh and the Management of Xer. Civil No. 5, Panipat Thermal Power Project, HSEB, Assan to this Tribunal for adjudication :—

Whether the termination of services of Shri Ram Singh was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. It may be mentioned that none appeared on behalf of the management on 15th January, 1986 due to which *ex parte* proceedings were ordered against them. Shri Ram Singh claimant has appeared as WW-1 and stated that on 12th September, 1976 he joined service as a Motor Mate in the respondent factory and was promoted as Pump Driver on 1st September, 1977. He further stated that he was demoted and again promoted as Pump Driver and was drawing Rs. 411 per month when his services were terminated on 27th May, 1979 illegally when no notice, pay or compensation was given to him. The testimony of WW-1 Shri Ram Singh shows that he had rendered service more than one year and that provisions of section 25-F of the Industrial Disputes Act, 1947, were not complied with because no notice pay or compensation was given to him. Consequently, the termination of service was neither proper nor justified and, as such, he is entitled to reinstatement with full back wages. The award is passed accordingly.

Dated the 8th April, 1986.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 269, dated the 9th April, 1986

Forwarded four copies to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

The 26th May, 1986

No. 9/6/86-6Lab./4197.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. K. K. and Company, 212, Industrial Area, Panchkula (Ambala).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 43 of 1985

SHRI KANHIYA LAL, WORKMAN AND THE MANAGEMENT OF MESSRS K. K. AND COMPANY, 212, INDUSTRIAL AREA, PANCHKULA (AMBALA)

Present :—

None, for workman.

Shri R. L. Chopra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Kanhiya Lal and Messrs K. K. and Company, Industrial Area, Panchkula to this Court. The terms of the reference are as under:—

Whether the termination of services of Shri Kanhiya Lal workman is justified and correct, if not, to what relief is he entitled?

Workman Kanhiya Lal through his statement of claim alleged that he had been serving in the respondent-management continuously for three years. He used to perform his duties to the entire satisfaction of his superiors. On 28th June, 1984 his services terminated without issuing any Charge-sheet, show cause notice and without holding any enquiry against him, so he alleged that the termination order is *mala fide*, illegal and violative to section 25(F) of Industrial Disputes Act. So it be set aside and the workman be reinstated with full back wages and benefits as well as continuity of service.

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Respondent-management contested the dispute and contended that the demand notice filed by the workman had no substance, so it was rejected by the Conciliation Officer. It was also contended that it is not a case of termination of the workman because workman himself started absenting from his duty since 2nd June, 1984 without getting any leave sanction or without seeking any permission to leave the station.

It was further contended that on 5th June, 1984 management wrote a letter to the workman that he should report on duty but no reply was received from the side of workman. Thereafter, another letter was written to workman on 18th June, 1984 but no reply was received. The management made sincere efforts to secure the presence of workman. The workman failed to appear which amounts to abandonment of job by the workman himself. Workman submitted replication through which he controverted the allegations of the management.

On the pleadings of the parties the following issues were framed: —

1. Whether termination order dated 28th June, 1984 is justified and correct, if so, its effect ?
OPM
2. Whether claim statement is at variance with the demand notice, if so, its effect ?
3. Relief,

Management in support of its case examined Shri Vipan Kaushal as MW-1. He supported a defence taken by the management in its written statement.

Workman afforded many opportunities to lead his evidence but he failed to do so. Ultimately, when the case was fixed for the workman evidence on 9th April, 1986. Neither workman nor his A. R. appeared in the absence the reference is dismissed in default.

Dated the 9th April, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1119, dated the 9th April, 1986.

Forwarded (four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/4198.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Haryana Industries Development Corporation Ltd., Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 185 of 1985

between

SHRI SURESH KUMAR, WORKMAN AND THE MANAGEMENT OF M/S HARYANA STATE
INDUSTRIES DEVELOPMENT CORPORATION LTD., YAMUNA NAGAR

Present:—

None, for the workman.

Shri P. S. Sharma, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, has referred dispute between Shri Suresh Kumar, workman and the Haryana State Industries Development Corporation Ltd., Yamuna Nagar to this Court. The terms of the reference are as under:—

Whether the termination of services of Shri Suresh Kumar, workman is justified and in order? If not, to what relief is he entitled?

Workman through his demand notice dated 13th May, 1985 alleged that he was in the employment of respondent-management as Sweeper and served the respondent for $3\frac{1}{2}$ years up to 7th May, 1985 and used to get Rs. 480 P. M. On 7th May, 1985 the respondent-management refused to keep him in the service of the respondent-management, so he prayed that this order of termination of his services by the respondent-management is illegal, unjustified and be set aside. He has prayed for his reinstatement with full back wages and with continuity of service.

Notice of this application was served upon the respondent-management. It appeared contested the dispute contending that demand notice is vague hence not maintainable. It was further contended that workman has got no locus-standi to file this claim. It was further contended that workman was not a regular employee. He was engaged for casual nature of work on daily wages basis. It was further urged that in fact the workman himself started absenting without any intimation and permission from the respondent-management. So there is no question of serving any notice regarding termination of his service by the respondent-management.

The case was fixed for 5th February, 1986 at Yamuna Nagar due paucity of funds. The Tour Programme had to be cancelled thereafter, notices were issued to workman but there could not be served due to incomplete address. Shri P. S. Sharma represented the respondent-management. I think that it is not possible to secure the presence of workman in ordinary manner, so the case is filed with the direction as and when the workman appears this case shall be taken up for decision on merits with these observations the Industrial dispute in hand is filed.

V. P. CHAUDHARY,

Dated the 24th April, 1986.

Presiding Officer,
Labour Court, Ambala,

Endorsement No. 1174, dated the 24th April, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/8/86-6Lab/4199.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s K. M. Rubber Industries, Mohra, Ambala.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 17 of 1986

SHRI HARBHAJAN SINGH, WORKMAN AND THE MANAGEMENT OF MESSRS
K. M. RUBBER INDUSTRIES, MOHRA, AMBALA

Present:—

Shri Madhu, Sudan Saran, for workman.
None, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Harbhajan Singh and Messrs K. M. Rubber Industries to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Harbhajan Singh, workman is according to law and correct, if not, to what relief is he entitled ?”

Workman through his demand notice urged that he had been working as Electrician. His services were terminated in violation of section 25(F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity of service and with full back wages.

Notice of this reference was served upon the management. It appeared and sought date for filing ten statement but in the meantime parties reached at an amicable settlement. Statement of Madhu Sudan, learned A.R. of workman was recorded who stated that workman has compromised with the respondent-management and has waived his right of re-employment. He further submitted that the reference in question may be filed.

In view of statement of learned A.R. of workman the reference is filed as compromised.

V. P. CHAUDHARY,

Dated, the 16th April, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1237, dated 29th April, 1986.

Forwarded (four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/4200.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Allied Metal Product, Gandhi Marg, New Sabzi Mandi, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 141 of 1985

SHRI HARNAM DASS WORKMAN AND THE MANAGEMENT OF THE MESSRS ALLIED
METAL PRODUCT, GANDHI MARG. NEW SUBZI MANDI, JAGADHRI

Present :

Shri Surinder Sharma for workman.

Shri S. Bindra for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, has referred the dispute between Shri Harnam Dass workman and Messrs Allied Metal Product, Gandhi Marg, New Subzi Mandi, Jagadhri to this Court. The terms of the reference are as under :—

Whether termination of services of Shri Harnam Dass, workman, is according to law and correct, if not, to what relief is he entitled ?

Workmen through his demand notice dated 15th March, 1985 alleged that he has been in the service of respondent-management since 15th June, 1971. Therafter his services were terminated on 4th March, 1985 in violation of section 25(F) of the Industrial Disputes Act, 1947. Workman has prayed for his reinstatement with continuity in service and with full back wages.

Notice was served upon the respondent-management. It appeared contested the reference contending that applicant joined service of respondent on 1st January, 1974. The applicant had become extremely old. He was incapable of performing his duties on account of his old age, so one month notice dated 2nd February, 1985 was served upon the workman and he was to be retire on 4th March, 1985. But the applicant started absenting from his duties from 25th February, 1985 and thereafter he never turned up. Letters were written to him with the request to report on duty but he failed to do so. And, thereafter, he issued demand notice to the management. On the pleadings of the parties issues were framed.

The case was fixed for evidence of workman in the meantime the parties reached at an amicable settlement. Workman on receipt on a cheque of Rs. 4,500/- The workman settled his dispute in full and final settlement.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 16th April, 1986.

Endorsement No. 1238, dated 29th April, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./4201.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of (i) the Secretary, Haryana State Electricity Board, Chandigarh; (ii) Chief Engineer Panipat Thermal Power Project, Assan, Panipat:—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 125 of 1985

SHRI SATBIR SINGH WORKMAN AND THE MANAGEMENT OF (i) THE SECRETARY,
HARYANA STATE ELECTRICITY BOARD, CHANDIGARH; (ii) CHIEF ENGINEER,
PANIPAT THERMAL POWER PROJECT, ASSAN, PANIPAT

Present:—

None for the workman.

Shri S. S. Sirohi for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred, —*vide* Clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Satbir Singh, workman and Haryana State Electricity Board etc. to this Court. The terms of the reference are as under:—

Whether the termination of services of Shri Satbir Singh, workman, is justified and correct; if not to what relief is he entitled ?

Workman through his demand notice alleged that he was in the service of respondent-management, while he was operating upon the machine accident took place and due to that he suffered serious injuries to his chest and left arm. He remained admitted in Civil Hospital, Panipat when he reported on duty on 12th October, 1981 respondent-management refused to join him which is an most illegal and unjust act of the respondent-management. He is entitled to reinstatement with continuity in service and with full back wages.

Respondent-management appeared contested the application and contended that respondent-management has not been sued properly because Electricity Board is corporate body under Electricity Supply Act, 1948. So being juristic person which should have been impleaded as respondent. So this

petition is bad for non-joinder of proper parties. It was also contended that petition is not maintainable against the respondent-management in view of section 82 of the Electricity Supply Act, 1948. It was further contended that petition is barred by delay and laches. It was further contended that workman met with non fatal accident on 1st July, 1981 and thereafter he was admitted to Civil Hospital, Panipat. But he never reported on duty with medical fitness certificate. Due his long absence his services were automatically terminated under the Model Standing Orders. So it was prayed that petition may be dismissed with costs.

On the pleadings of the parties issues were framed:

The case was fixed for workman evidence, but neither workman nor his A.R. appeared, so the reference is dismissed in default.

Dated 28th April, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement No.1242, dated 30th April, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/4202.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of (i) Managing Director, Haryana State Minor Irrigation Corporation, Chandigarh (ii) Executive Engineer, H.S.M.I.T.C. Karnal.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA.

Ref. No. 297 of 1985

SHRI JAI PAL SINGH, WORKMAN AND THE MANAGEMENT OF THE MESSRS MANAGING DIRECTOR, HARYANA STATE MINOR IRRIGATION CORPORATION CHANDIGARH. (ii) EXECUTIVE ENGINEER, H.S.M.I.T.C. KARNAL

Present :

None for workman.

Shri Dharam Pal for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Jai Pal Singh, workman and the Managing Director, Haryana State Minor Irrigation Corporation Chandigarh etc. to this court. The Terms of the reference are as under :—

Whether termination of services of Shri Jai Pal Singh, workman is justified and correct; if not, to what relief is he entitled ?

Workman through his demand notice alleged that he was in the service of respondent-management and had been serving to the management to its satisfaction. But his services were terminated in utter violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared it contested the application. Notice were issued to workman time and again but whereabouts of the workman were not found. It was reported by the postman that no person named Jai Pal Singh is resident of village Babarpur, so service on the workman could not be effected and presence of workman could not be secured. So leaving no other alternative. The case is filed with the observation that it shall be taken up as and when the workman appeared and so desired.

Dated the 28th April, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1243, dated the 30th April, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./4203.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of Executive Engineer, Sub Urban-Division, H. S. E. B., Near Raghu Nath Mandir, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 1 of 1985

SHRI RAM KARAN, WORKMAN AND THE MANAGEMENT OF EXECUTIVE ENGINEER, SUB-URBAN DIVISION, H. S. E. B., NEAR RAGHU NATH MANDIR, JAGADHRI

Present :

Shri Surinder Sharma for workman.
Shri S. Bindra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Ram Karan workman and H.S.E.B. etc, to this Court. The terms of the reference are as under.—

Whether termination of services of Shri Ram Karan, workman, is justified and correct, if not, to what relief is he entitled?

Workman alleged that he has been serving the respondent-management for the last more than five years. His services were terminated on 11th February, 1984 against provisions of section 25(F) of I. D. Act, 1947. He has prayed for his reinstatement with continuity in service and full back wages.

Notice of this application was served upon the respondent-management. It contested the dispute contended that the case is bed for non-joinder of necessary parties because H. S. E. B. is juristic person but it has not been impleaded as a party to this dispute. Applicant was retrenched on 11th February, 1984 after observing all the formalities a principle of last come first go has been observed no junior to the workman was retained in service.

On the pleadings of the parties issued were framed:

Thereafter parties reached at an amicable settlement. Shri Surinder Sharma A. R. of workman made statement that workman has compromised this dispute with the respondent on receipt of Rs. 5, 461. In other words the dispute between the parties has been settled finally.

In view of the above statement of Ld. A. R. of workman I passed award regarding this dispute accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated. 30th April, 1986

Endst. No. 1250, dated the 30th April, 1986.

Forwarded (Four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./4204.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/S Amar Jeet Metal Industries Works, Gomati Mohala, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 440 of 1984

SHRI GORDHAN WORKMAN AND THE MANAGEMENT OF THE MESSRS AMAR JEET METAL INDUSTRIES WORKS, GOMATI MOHALLA, JAGADHRI.

Present.—

Shri Surinder Sharma for workman.

Shri S. Bindra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Gordhan workman and Messrs Amar Jeet Metal Industries to this Court. The terms of the reference are as under:—

Whether termination of services of Shri Gordhan, workman, is justified and correct; if not, to what relief is he entitled?

Workman through his demand notice alleged that he had been serving the respondent-management as a Buffman for the last more than one year. His services were terminated in utter violation of section 25 (F) of I. D. Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Notice of this reference were issued to respondent-management many times but whereabouts of the respondent-management could not be traced out ultimately Shri Surinder Sharma A. R. of workman made statement that at present whereabouts of respondent-management are not known so he submitted that this reference may be filed with permission to get it restored as and when the whereabouts of respondent-management are traced.

In view of the above statement of Shri Surinder Sharma the reference is filed with the observations that it shall be taken up as and when it is so desired by the workman.

Dated 30th April, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1254, dated 30th April, 1986.

Forwarded (four Copies), to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.